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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22221-2023 (O&M)
Date of decision : 01.08.2023

Dhanwant Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Munish Garg, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.41 dated 04.04.2023 registered under Sections 354, 341, 323, 506 and 34 of the Indian Penal Code, 1860 (Section 354-B IPC added later on) at Police Station Barnala, District Barnala.

2. On 04.05.2023 the following order was passed :

“The present petition has been filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.41 dated 04.04.2023, registered under Sections 354, 341, 323, 506 and 34 of the Indian Penal Code, 1860 (Section 354-B IPC added later on) at Police Station Barnala, District Barnala.

Learned counsel for the petitioner submits that the

entire story narrated in the FIR is false and concocted and is a counter blast to the earlier FIR lodged by the mother of the petitioner against the father and brother of the present complainant. He further submits that even if going by the version of the FIR, the only attribution to him is that he pushed the prosecutrix and her mother, who fell down.

Notice of motion. Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent-State.

Learned State counsel has very fairly submitted that as per the MLR, the injuries are simple in nature.

Without commenting upon the merits of the case, the petitioner is directed to join investigation on 10.05.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 01.08.2023.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated. It is further the contention that the only allegation against the petitioner was that he had pushed the prosecutrix and her mother who fell down and that all the other allegations are against the co-accused.

4. Learned counsel for the State, on instructions from ASI Sukhwinder Singh, has stated that the petitioner has since joined

investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 04.05.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

01.08.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO